

IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT
COURT OF OKLAHOMA

FILED

OCT - 9 2020

BRANDON LEE BROWN,

PLAINTIFF,

V.

JAMES YATES,

et al.,

DEFENDANTS.

PATRICK KEANEY
Clerk, U.S. District Court
By Deputy Clerk

CIV-20-124-RAW-SPS

DISCOVERY

I PLAINTIFF BRANDON LEE BROWN, WOULD LIKE TO ENTER DOCUMENT ENCLOSED WITH THIS MOTION INTO EXHIBIT "A" NEW DISCOVERED DOCUMENT FOUND INCLOSED WITH OTHER LEGAL MAIL. WITH ALL DD RESPECT TO THE COURT I PRAY IT IS ENTERED AS EVIDENCE.

I PLAINTIFF BRANDON LEE BROWN, FOUND A RESPONSE FROM DEFENSE MARK KNUTSON DATED MARCH 16, 2020 FROM A "EMERGENCY/SENSITIVE GRIEVANCE. ACCORDING TO DDOC DP-090124 EFFECTIVE 4-11-19 TITLE IX. EMERGENCY OR SENSITIVE GRIEVANCES A. PROCESS- GRIEVANCE MAY BE SUBMITTED DIRECTLY TO THE REVIEWING AUTHORITY WITHOUT INFORMAL RESOLUTION PROCESS WHEN SUBSTANTIAL RISK OF PERSONAL INJURY, SEXUAL ASSAULT OR OTHER IRREPARABLE HARM

EXISTS. THE INMATE/OFFENDER MUST USE THE "INMATE/OFFENDER GRIEVANCE" FORM (DOC 09124A). (PREA 115.52 (a), 115.52 (b)(3) 115.52 (c)(c), 115.52 (f)(1) 1) EMERGENCY GRIEVANCE.. 2) SENSITIVE GRIEVANCE..

ON FEBRUARY 19, 2020 OR SO, I SENT A EMERGENCY/SENSITIVE GRIEVANCE SEE MARK KNUTSON RESPONSE #20-086 DATED MARCH 16, 2020 EXHIBIT "A".

HE CONTRADICTS HIS OWN STATEMENT IN EXHIBIT "A" TITLED SUPPLEMENT REPORT. AS WELL AS MARK MDWERS STATEMENT IN EXHIBIT "M" THAT STATED WHEN ASKED TO COMPLY "HE COMPLIED".

THEN HIS STATEMENT FROM MARCH 16, 2020 ; ~~ONCE RESTRAINED~~ + "DUE TO YOUR REFUSAL TO BE RESTRAINED." ON THAT SAME DOCUMENT CONTRADICT HIS OWN STATEMENT TWO DAYS LATER MARCH 18, 2020 SEE EXHIBIT "A" ORDER OF REHEARING. A RESPONSE TO THE ACTUAL "MISCONDUCT REPORT" STATED ; AT THIS POINT, THIS OFFICE HAS NO IDEA WHAT OCCURED ON FEBRUARY 13, 2020. WHEN TWO DAYS BEFORE IT SEEMS AS IF HE HAD BEEN SO CERTAIN OF THE ALLEGATIONS DAVIS CORRECTIONAL FACILITY ALLEGED THAT, I DID. WHY NOT DO A INVESTIGATION BEFORE ANSWERING THE EMERGENCY/SENSITIVE GRIEVANCE ? WHAT'S THE NEED IN THIS PROCEDURE IF ITS NOT BASED ON THE MERITS OF INMATE/OFFENDER CLAIMS?

SO, LET'S BREAK THAT DOWN ACCORDING TO THE REPORT AND CAMERA FOOTAGE ASSUMING ODOC TITLE. USE OF FORCE STANDARDS AND REPORTABLE INCIDENTS WERE FOLLOWED. OP-050108 II. AUDIOVISUAL CAMERAS SECTION.(B)(4) COMPLIANCE - ALL DVDS THAT HAVE BEEN USED TO RECORD AN INCIDENT WILL BE STORED AND MAINTAINED IN A SECURE AREA AT THE FACILITY/UNIT FOR A PERIOD OF (5) FIVE YEARS AFTER THE RECORDED INCIDENT HAS BEEN RESOLVED. IN THE EVENT THAT

THE INCIDENT DID NOT REQUIRE A USE OF FORCE, THE RECORDING WILL BE TRANSFERRED IN ACCORDANCE WITH THIS PROCEDURE.

(4)(c) IF THE INCIDENT RESULTS IN CIVIL LITIGATION, THE DVD'S WILL BE FORWARDED TO THE OFFICE OF GENERAL COUNSEL FOR SAFE KEEPING PENDING THE RESOLUTION OF THE LAWSUIT. A COPY WILL BE RETAINED BY THE FACILITY UNIT.

MARK MOWER ALLEGED I DID COMPLY TO HAND RESTRAINTS. MARK KNUTSON ALLEGED THAT WAS THE REASON I WAS APPREHENDED. WHICH I MUST POINT OUT THEY STILL GIVE NO STRAIGHT ANSWER AT ALL AS TO WHY A CELL EXTRACTION WAS DONE. THEN HE SAYS "ONCE RESTRAINED, YOU ATTEMPTED TO CHARGE THE EXTRACTION TEAM. OKAY SO, AFTER (6) GROWN MEN PLUS ME IN A 12x8 CELL WHILE I'M CUFFED BEHIND MY BACK AND ALREADY LYING ON THE GROUND. AFTER BEING BEATEN UNTIL I WAS UNCONCIOUS AND UNRECOGNIZABLE TEMPORARILY INCOHERENT, THEN PLACED IN ANKLE CUFFS 5'6 WEIGHING 165 lbs BROKE FREE SOME MIRACULOUS WAY AND ATTEMPTED TO CHARGE THE EXTRACTION TEAM. NOW MARK MOWERS (ALLEGED) I TOOK A AGGRESSIVE STANCE AND ATTEMPTED TO GET UP FROM THE GROUND AND CHARGE THE EXTRACTION TEAM. SEE EXHIBIT "M" NOW MARK KNUTSON SAYING BECAUSE I DENIED RESTRAINTS I WAS RESTRAINED AND STATED THAT I DID IN FACT AFTER BEING RESTRAINED ATTEMPTED TO CHARGE THE EXTRACTION TEAM AND WAS ~~PLACED~~ BACK ON THE GROUND? TO GAIN COMPLIANCE. WRITTEN ON PAPER SOUNDS CONVENING UNTIL YOU ACTUAL THINK ABOUT WHATS BEING SAID AND WHAT ACTUALLY HAPPEN. THESE DOCUMENTED FALSELY AND FABRICATED WILL SHOW TOTALLY DIFFERENT TAILS OF EVENTS. MY INJURIES ALSO ~~DO NOT~~ ^{DO NOT} ~~PUT~~ UP TO WHATS BEING SAID. HOW DID MY FACE BECOME SO BATTERED AND BLOODED?

CP-050108 VIII. ARRESTS A) LIMITATIONS - STAFF MEMBERS WHO ARE COMMISSIONED BY THE AGENCY DIRECTOR MAY EXERCISE THE POWER OF ARREST IN THE PERFORMANCE OF AGENCY DUTIES. ALL ARREST WILL BE PERFORMED WITH MINIMUM AMOUNT OF FORCE NECESSARY TO AFFECT THE ARREST.

I ALLEGED EXCESSIVE FORCE WAS USED 7-25-19 / 11-22-19 / 2-13-20

I DECLARE ALL THE ABOVE FACTS STATED ABOVE OR TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE UNDER PENALTY OF PERJURY TO THIS COURT.

Brenda L. Brown

10-5-20

SCOTT CROW
DIRECTOR



J. KEVIN STITT
GOVERNOR

STATE OF OKLAHOMA
OKLAHOMA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REVIEW AUTHORITY

ARA 20-086

Date: MARCH 16, 2020

To: BROWN, BRANDON #592090

Location: DCF

From: Mark Knutson, Director's Designee *Mark Knutson*

Your grievance/correspondence was filed improperly for the following reason(s):

	1. No reviewing authority response to the grievance.
	2. No informal action, Request to Staff response included.
	3. Out of time from date of alleged incident until filing Request to Staff.
	4. Out of time from date of response to Request to Staff until filing the grievance with the reviewing authority.
	5. Received out of time from date of the reviewing authority's response.
	6. You cannot appeal a non-response. See OP-090124 section V.B.1.b.(8) (Request to Staff) or VI.C.4. (grievance).
	7. Inmate on grievance restriction and/or proper documentation not included. See OP-090124, section X.B.2.a.
	8. Must be legibly written in blue or black ink. No pencil or other color of ink is allowed. No doodling or writing in margins.
	9. Attachments to the grievance/appeal (no additional pages allowed except affidavit if required).
	10. Not an issue grievable to Oklahoma Department of Corrections (Private prison property, misconduct, litigation pending, not within/under the authority/control of the Department of Corrections)
	11. More than one issue or the complaint and relief requested are not consistent on the Request to Staff and grievance.
	12. Not of a sensitive nature. You must follow the standard grievance process including giving the reviewing authority an opportunity to respond. Emergency grievances must be submitted to the reviewing authority. See OP-090124, section IX.A.
X	13. Requests for disciplinary action against staff or monetary compensation will not be addressed in the grievance process.
	14. Appeal form not signed/dated.
	15. The ruling of the Administrative Review Authority or Director's Designee is final.
	16. Facility grievance number not listed on the appeal form.
	17. Additional issues submitted in the grievance appeal and not presented in the initial grievance to the reviewing authority for response will not be addressed by this office.
	18. You have failed to follow previous instructions from the reviewing authority or ARA for filing this grievance/appeal and/or properly resubmit. YOU ARE NOW OUT OF TIME.
	19. You did not provide the date that you received the reviewing authority's response on the appeal form.
	20. This grievance is unanswerable as there are no time frames specified for the alleged action(s) to have occurred
	21. You failed to identify your grounds for an appeal by checking one, or both boxes on the appeal form.
	22. Your appeal must be written on the Misconduct/Grievance Appeal form (DOC060125V effective 4/19).
	23. You will be afforded ONE FINAL opportunity to properly resubmit your corrected grievance or appeal which must be received in ARA within ten (10) days of receipt of this form. DO NOT RETURN THIS FORM WITH YOUR CORRECTED APPEAL.
X	24. Other: RE: "EMERGENCY/SENSITIVE" GRIEVANCE. THE ASSAULT YOU ARE REFERRING TO ON 2/13/20 WAS A PLANNED USE OF FORCE DUE TO YOUR REFUSAL TO BE RESTRAINED. ONCE RESTRAINED, YOU ATTEMPTED TO CHARGE THE EXTRACTION TEAM AND YOU WERE PLACED ON THE GROUND TO GAIN COMPLIANCE. YOU WERE SEEN AND EVALUATED BY MEDICAL STAFF IMMEDIATELY AFTER THE INCIDENT. NO SPECIFIC RELIEF REQUESTED.

THIS OFFICE WILL NOT PROCESS INCOMPLETE/INACCURATE/OUTDATED APPEAL FORMS

NOTE: Abuse of the grievance process as explained in section IX of OP-090124, will result in restrictions being imposed.

I acknowledge receipt of this response: _____